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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE	:	Administrative Action
SURRENDER OF THE LICENSE OF	:	
	:	
MICHAEL MASTROMARINO, D.D.S.	:	CONSENT ORDER OF
License # DI 20214	:	VOLUNTARY SURRENDER
	:	OF LICENSURE
TO PRACTICE DENTISTRY	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the State Board of Dentistry upon receipt of information that on July 7, 2000, Michael Mastromarino, D.D.S. ("Respondent") was arrested for possession of Demerol and a hypodermic needle and being under the influence of a Controlled Dangerous Substance ("C.D.S.") in Fort Lee, New Jersey and that a toxicology report of Respondent's urine taken that same day showed evidence of Respondent's use of cocaine and Meperidine, a Schedule II C.D.S.. On July 8, 2000, Respondent ceased practicing dentistry in this State and entered a short-term in-patient treatment program. Subsequently, Respondent entered a long term in-patient

substance abuse treatment program at the Tully Hill Rehabilitation Center in Syracuse, New York. Respondent has agreed to the voluntary surrender of his license to practice dentistry in the State of New Jersey without prejudice and in accordance with the terms of this Order. The Board finds the terms of this Consent Order to be adequately protective of the public health, safety and welfare.

IT IS, therefore, on this 15 day of November, 2000,  
ORDERED THAT:

1. Respondent Michael Mastromarino, D.D.S. shall immediately surrender his license to practice dentistry in the State of New Jersey for a minimum period of six months, effective immediately, that is as of the date this Order is filed.

2. Respondent shall comply with the Attached Directives for Dentists whose surrender of licensure has been accepted by the Board, which are incorporated herein by reference.

3. Prior to any restoration of his license, Respondent shall:

a. Appear before the Board or a committee of the Board to discuss his readiness to reenter the practice of dentistry. At that time, Respondent shall be prepared to propose his plans for future practice in New Jersey.

b. Provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that he is not then suffering from

any impairment or limitation resulting from the use of any CDS or other substance, whether legal or illegal, which could affect his practice.

- c. Provide the Board with evidence that he is not presently engaged in drug use that is likely to impair his ability to practice the profession with reasonable skill and safety or a habitual user of C.D.S. that are not part of a treatment plan in violation of N.J.S.A. 45:1-21(1) and is not engaged in professional misconduct in violation of N.J.S.A. 45:1-21(e).
- d. Provide the Board with reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in Respondent's care and/or treatment for the disability in this matter during the period of time from his entry into treatment to his appearance, including any discharge reports.
- e. Provide the Board with quarterly reports detailing the nature and extent of his involvement with the New York State Professional Assistance Program, through Ray Griffin, Ph.D., Director of the Impaired Professionals Program, and ongoing results of urine tests that will be administered during any

inpatient treatment program and, thereafter, on a random several times weekly basis.

f. Affirmatively establish his fitness, competence and capacity to re-enter the active practice of dentistry within New Jersey.

g. Provide the Board with a full account of his conduct during the intervening period of time from his entry into treatment to his appearance pursuant to this Order.

4. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from Respondent's conduct prior to his entry into treatment.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Barbara Ann Rich, D.D.S.  
Barbara Rich, D.D.S., President

I have read and I understand the terms of this order and agree to be bound by it. I consent to the entry of this Order.

Michael Mastromarino, D.D.S.  
Michael Mastromarino, D.D.S.

Consented to as to form.

Mario Gallucci, Esq.  
Mario Gallucci, Esq.

**DIRECTIVE REGARDING FUTURE ACTIVITIES  
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/  
REVOKED AND USE OF THE PROFESSIONAL PREMISES**

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices dentistry.
- 5) Desist and refrain from furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.
- 6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

- 1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

- 2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.